

## **II. REMARKS**

United States Serial No. 10/782,465 was filed on February 19, 2004. Claims 1-17 are subject to a restriction requirement. Claims 1-5 remain pending, claims 6-17 are canceled, and claims 18-28 have been added by the present amendment. In view of the amendments set forth herein, Applicants respectfully request allowance of claims 1-5 and claims 18-28.

### **Amendments to the Claims:**

Claim 1 has been amended to remove the word "particles" after the phrase "fly ash" at two points in order to make the phrasing consistent throughout the claim and throughout the remaining claims. Applicants submit that this amendment adds no new matter and instead eliminates potential confusion by eliminating superfluous differences in terminology.

Claim 1 has been amended to remove the phrase "in a venturi" after "comprising turbulently subjecting in a gas stream". Applicants submit that this amendment adds no new matter and instead eliminates a superfluous and potentially confusing recitation.

Claim 1 has been amended to add a colon after the phrase "the improvement wherein". Applicants submit that this amendment adds no new matter and is made for clerical purposes only.

As noted above, the apparatus claims of Groups II and III have been canceled by the present amendment. Also, process claims 18-29 have been added by the present amendment, finding their support in the original apparatus claims.

**Restriction Requirement**

The Examiner has required restriction to one of the following Groups:

Group I (claims 1-5): drawn to a process for treating fly ash particles with ozone, classified in class 204, subclass 164+.

Group II (claims 6-13): drawn to a device for producing ozone, classified in class 422, subclass 186.07+.

Group III (claims 14-17): drawn to a device for producing ozone, classified in class 422, subclass 186.07+.

Applicants hereby elect to prosecute the claims of Group I (claims 1-5) in the present application. Applicants hereby reserve the right to file the claims of Group II (claims 6-13), or Group III (claims 14-17), or both Group II and Group III, in one or more divisional, or continuation in part applications.

**Conclusion**

Applicants submit that the claims previously pending in this application consisted of seventeen (17) claims of which six (6) were independent claims. Applicants submit that the fees for the claims previously pending in this application had been previously paid. After entry of the present amendments, there will be sixteen (16) claims of which six (6) are independent claims. Therefore, no additional claim fees are due.

The above amendments cancel all of the claims alleged by the Office Action to be apparatus claims. The above amendments preserve those claims alleged to be process claims by the Office Action and add an additional set of process claims. Therefore, all of the presently pending claims are process claims and may be properly prosecuted concurrently.

Applicant: Ralph F. Altman

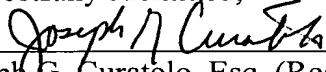
Restriction Requirement Mailing Date: November 29, 2007

Response to Restriction Requirement: January 29, 2008

In view of the above amendments and remarks, Applicants respectfully request issuance of a formal notice of allowability directed to claims 1-5 and 18-28.

Should the Examiner have any questions, Applicants' undersigned attorneys would welcome a telephone call.

Respectfully submitted,

  
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